

Serial No. - 09/008,531
Docket No. MIO 0012 V2

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etching a contact hole through the overlayer and an amount of the thick region;
and
forming a contact by filling the contact hole with a conductive material.

REMARKS

The Office Action in the parent application rejected claims 21-30. Claims 21-25 were rejected under 35 U.S.C. 102(a) as being anticipated by Jost et al, U.S. Patent No. 5,739,068, hereinafter referred to as Jost1. However, Applicants believe that the first ground was a typographical error and that the Examiner intended it to be a rejection under 35 U.S.C. 102(e) because Jost1 issued after Applicants' filing date. Claims 26-30 were rejected under 35 U.S.C. 103(a) as unpatentable over Jost.

The latest Office Action of July 5, 2000, also rejected claims 21-25 and 31-34 under 35 U.S.C. 102(e) by Jost et al, U.S. Patent No. 5,563,089, hereinafter referred to as Jost2. Claims 29-30 and 35-39 were rejected under 35 U.S.C. 103(a) as unpatentable over Jost2. Jost2 does have an earlier issue date than Jost1, however Jost2's issue date of October 8, 1996 is still after this application's priority date of March 7, 1995. Thus, the Jost2 reference should also be disqualified as prior art according to MPEP 706.02(I)(1) and 35 U.S.C. 103 because the Jost2 reference, commonly assigned to Micron Technology, Inc., is now disqualified as prior art since the current application bears a filing date after November 29, 1999. Since Applicants have shown that the Jost2 reference should be removed, the 102(e) and 103 rejections of claims 21-39 should be removed.

Claims 40-46 have been added and contain elements, such as a thick region, not disclosed by the art of record. Examination on the merits of claims 21-46 is respectfully solicited.

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Rejections under 35 U.S.C. § 112

Claim 31 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claim 31 to overcome this rejection.

Respectfully submitted,

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